

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-3, 5-11, 14-17, and 19-25 are currently being prosecuted. Claims 1, 2, 9, 10, 24 and 25 are amended. Claims 1, 9, and 24 are independent. Claim 18 is cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 4, 12, and 13 were cancelled by a previous amendment. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth herein.

Information Disclosure Statement

It is respectfully requested that the Examiner return an initialed copy of Form PTO-1449 filed on January 7, 2004 in the next Official Communication.

Rejections under 35 U.S.C 112, first paragraph

The Applicants have amended claim 25, thus overcoming the rejection under 35 U.S.C. 112, first paragraph. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1, 2, 6, 7, 9, 10, 15, 16, 18, and 20-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald (U.S. 6,161,857) in view of Martinez et al. (U.S. 6,270,131) and further in view of Shiratsuchi (U.S.4,796,719);

claims 3, 5, 11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald in view of Martinez et al. and further in view of Casse (U.S. 4,165,113); and

claims 8, 16, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald and modified in view of Brumby (U.S. 5,074,407).

Amendments to Independent Claims 1, 9, and 24

While not conceding the appropriateness of the Examiner's rejections, but merely to advance the prosecution of the present application, each of independent claims 1, 9, and 24 is amended herein to recite a combination of elements directed to a shock absorbing structure, including *inter alia*

wherein said shock absorbing member is mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover, and

wherein a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover.

Support for the above features can be seen, for example, in FIGS. 1 and 4.

The Applicants respectfully submit the combination of elements set forth in each of claims 1, 9, and 24 is not suggested by the combination of Theobald et al., Martinez et al., and Shiratsuchi.

By contrast, Theobald (US 6,161,857) merely discloses the deformation element (12). However, the inside structure of the deformation element is not disclosed at all.

In addition, Martinez, et al. (US 6,270,131) merely discloses the absorber comprising the female block (1) and male block (2). Figure 7 indicates the undeformed state of the absorber, and Figure 8 indicates the deformed state of the absorber. Thus, if the absorber

were to be applied to a two-wheeled vehicle, the absorber mounting direction must be considered. However, the partition (9) of the female block (1) extends downwardly from the top wall and extends laterally between right and left inner side surfaces. Therefore, the partition (9) of Martinez is similar to the planes of this invention.

Further, Shiratsuchi (US 4,796,719) merely discloses a curved front cover. However, the shock absorbing member is neither disclosed nor suggested in both specification and Figures. Even if a shock absorber were to be mounted on the Shiratsuchi device, it is unclear whether the shock absorbing member includes a peripheral wall that would be curved into a shape to follow that of the front cover. Furthermore, it is also unclear that a central portion of the rear peripheral wall of the shock absorbing member would be concave-shaped so as to fit against a convex-shaped portion of the Shiratsuchi front cover.

On the other hand, the present invention discloses a shock absorbing member that is mounted on a front cover and includes the rear peripheral wall that is curved into a shape to follow that of the front cover, and a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover. Therefore, the layout between the shock absorbing member and the front cover can be easily conducted. Additionally, the front cover can be received with a large area against the shock from the shock absorbing member. Thus, the front cover can readily disperse the shock.

At least for the reasons set forth above, the Applicants respectfully submit that the combination of elements set forth in each of claims 1, 9, and 24 is not suggested by the references cited by the Examiner, including Theobald et al., Martinez et al., and Shiratsuchi.

Therefore, independent claims 1, 9, and 24 are in condition for allowance.

In addition, each of dependent claims 2, 3, 5-8, 11, 14-17 and 19-25 is in condition for allowance due to its dependence on an allowable independent claim or due to the additional novel features contained therein.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

All claims of the present application are in condition for allowance.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

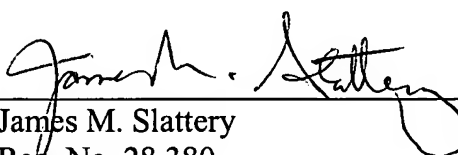
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

Serial No. 10/059,325
Amendment dated December 20, 2005
Reply to Office Action dated September 21, 2005

Docket No. 0505-0949P
Group Art Unit 3683
Page 13 of 13

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

0505-0949P
JMS:CTT/ags/lab

